

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ART-OPTIC, LTD.,

Plaintiff,

v.

SAMUEL TOMASHOVER,  
MERYL TOMASHOVER, and  
NEWLIGHT EYEWEAR, LLC,

Defendants.  
-----X

08 CV 0327 (MGC)(KNF)

**REPLY  
DECLARATION OF  
SHIRA Y. ROSENFELD**

STATE OF NEW YORK     )  
                                  )     ss.:  
COUNTY OF NEW YORK    )

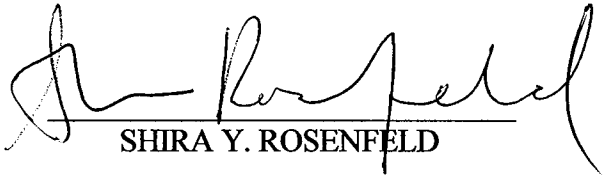
1. I am an attorney admitted to practice in the State of New York and in the United States District Court Southern District of New York. I am counsel to plaintiff Art-Optic, Ltd. ("Art-Optic") and make this reply declaration in support of its motion for a preliminary injunction, seizure, impoundment and destruction of Defendants' infringing copies and reproduction equipment pursuant to 17 U.S.C. § 503, expedited discovery order and asset restraining order. I make this reply declaration based on my personal knowledge and review of the relevant documents.

2. I make this declaration based upon my personal knowledge and review of the documents and attest that the following documents are true and correct copies of the original:

- a. Exhibit 1 (P0001 – P003): Two letters from Plaintiff's accountants, Shtainmetz – Aminoach and Co., CPA confirming the amount of sales to Samuel Tomashover in 2004 and 2005-2006. Exhibit B (P0022 - P0023): Email correspondence between the parties.
- b. Exhibit 2 (P0004 – P0021): Invoices for sales by Art-Optic to Samuel Tomashover.
- c. Exhibit 3: Summary of Invoices for Frames Purchased by the Tomashovers from Art-Optic in 2005 and 2006

- d. Exhibit 4 (P0022-P0033): Certified copy and translation of transcript from District Court of Tel Aviv-Jaffa proceedings on September 20, 2007.
- e. Exhibit 5 (P0034-P0035): E-mail dated March 15, 2006 from Samuel Tomashover to Ehud Bibring.
- f. Exhibit 6 (P0036): E-mail dated June 15, 2006 from Samuel Tomashover to Ehud Bibring.
- g. Exhibit 7 (P0037): Email dated October 15, 2007 from Samuel Tomashover to Diane Neff who forwarded the e-mail to Avri Beerl

Dated: New York, New York  
February 18, 2008



SHIRA Y. ROSENFELD

**EXHIBIT 1**

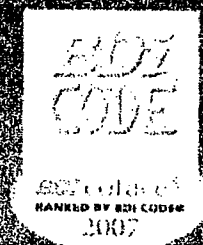
**BDI  
CODE**

**2007**

**ISRAEL'S LEADING COMPANIES  
ISRAEL'S LEADING  
ACCOUNTING FIRMS**

**Shtainmetz - Aminoach and Co., CPA**

**Ranked 15th by BDI among  
Leading Accounting Firms in Israel**



Shtainmetz Aminoach & Co.  
C P A

Beeri Aminoach, CPA, M.B.A.  
Yakov Shtainmetz, CPA, Adv. MA  
Ehud Averbach, CPA  
Shmuel Hershfeld, CPA, Adv.  
Oleg Cheredman, CPA LL.B. MBA

30/01/08

To:

Mr. Ehud Bibbring

Art Optic Ltd. (hereinafter: "the company")

**Subject: Sales to the Client Tomshuver Samuel New- York**  
**(hereinafter: "the client")**

As the Accountants of the company, we hereby confirm, based on the invoices that were issued by the company to the client and according to his payments due to them, that the company sold to the client during the year 2004 frames in the amount of 22,568 \$.

Sincerely Yours,  
Shtainmetz Aminoach & Co.  
C.P.A.

Shtainmetz Aminoach & Co.  
C P A

Beeri Aminoach, CPA, MBA  
Yasov Shtainmetz, CPA, Adv. MA  
Ehud Avrahami, CPA  
Shmuel Hershfeld, CPA, Adv.  
Ofer Greenman, CPA, LL.B. MBA

30/01/08

To:

Mr. Ehud Bibbring

Art Optic Ltd. (hereinafter: "the company")

**Subject: Sales to the Client Tomshuver Samuel New- York**  
**(hereinafter: "the client")**

As the Accountants of the company, we hereby confirm, based on the invoices that were issued by the company to the client and according to his payments due to them, that the company sold to the client in 2005- 2006 as follows:

During the year 2005, the company sold frames in the amount of 97,810 \$.

During the year 2006, the company sold frames in the amount of 59,586 \$.

Sincerely Yours,

Shtainmetz Aminoach & Co.

C.P.A.

**EXHIBIT 2**

## Art Optic Ltd

*Hand Painted Eyewear*

To: Samuel Tomashover  
444 east 75<sup>th</sup> Street  
Suite #17c, N.Y  
New York 10021  
U.S.A

February-14-2005

### Invoice #PO/0093

Reg: 290 Pcs Hand Painted acetate Optical frames.

Price per pc 25.00 US\$, Total Value 7250.00 US\$.

Origin of goods- Israel.

Shipper- DHL, Packed in one master carton.

Art Optic Ltd Tel/Fax: 972-3-5351942, Mobile: 972(0)54-4847708 (Ehud)  
Address: 61 Hazamir St., Kiryat-Ono, 55507, Israel

P0004



**Art Optic Ltd**  
*Hand Painted Eyewear*

**To: Samuel Tomashover**  
444 east 75<sup>th</sup> Street  
Suite #17c, N.Y  
New York 10021  
U.S.A

**February-15-2005**

**Invoice #OP/0094**

**Reg: 734 Pcs Hand Painted acetate Optical frames.**

**Price per pc- 25.00 US\$, Totaling 18,350.00 US\$.**

**EMS freight (& insurance): for this shipment, plus 1000 cases sent on Feb 10,  
Plus freight (EMS) for 290 pcs sent on the 14<sup>th</sup>- 862.00 US\$.**

**Total Value: 19,212 US\$**

**Comments:**

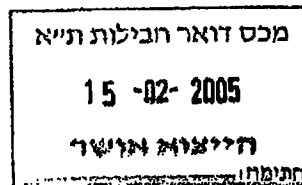
**24 Frames** are sent F.O.C- replacements.

**24 Optical cases** are included in this shipment (f.o.c for sales promotion purposes)

**Origin of goods- Israel**

**Goods are packed in 2 master cartons**

**Shipper EMS trucking numbers: EE055786975IL, EE055786839IL**



**Art Optic Ltd TelFax:972-3-5351942, Mobile: 972(0)54-4847708 (Ehud)**  
**Address: 61 Hazamir St., Kiryat-Ono, 55507, Israel**

**P0005**

**Art Optic Ltd**  
*Hand Painted Eyewear*

**To: Samuel Tomashover**  
444 east 75<sup>th</sup> Street  
Suite #17c, N.Y  
New York 10021  
U.S.A

March-01-2005

**INVOICE #PO/0097**

**Reg: 310 Pcs Hand Painted acetate optical Frames.**

Price per pc- 25.00 US\$, Totaling 7750.00 US\$.

Freight & Insurance- 95.00 \$

**Total Value- 7845.00 US\$**

Origin of Goods- Israel

Goods are packed in one master carton.

Shipped by EMS, tracking no.EE 055786887 IL.

Art Optic Ltd TelFax:972-3-5351942, Mobile: 972(0)54-4847708 (Ehud)  
Address: 61 Hazamir St., Kiryat-Ono, 55507, Israel

P0006

# Art Optic Ltd

*Hand Painted Eyewear*

To: Samuel Tomashover  
444 east 75<sup>th</sup> street  
Suite #17c, N.Y  
New York 10021  
U.S.A

April-06-2005

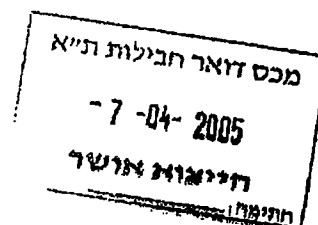
## INVOICE #OP/0100

<u>Model</u>	<u>Quantity</u>	<u>Price/pc</u>	<u>TOTAL</u>
1762	34 Pcs	25.00	850.00
1763	58	25.00	1450.00
1764	11	25.00	275.00
1680	110	25.00	2750.00
1686	27	25.00	675.00
1440	37	25.00	925.00
1540	86	25.00	2150.00
1556 (53-20)	16	25.00	400.00
1174	66	25.00	1650.00
2321	2	25.00	50.00
2148	<u>12</u>	25.00	<u>300.00</u>
<b>Total:</b>	<b>459 Pcs</b>		<b>11,475.00</b>
		Credit -	633.00
		EMS freight & Insurance:	158.00
		<b>Total Value:</b>	<b><u>11,000.00 US\$</u></b>

Origin of Goods- Israel

Goods are packed in one Master Carton

Shipper- E.M.S trucking number: EE 060907336 IL.



Art Optic Ltd TelFax:972-3-5351942, Mobile: 972(0)54-4847708 (Ehud)  
Address: 61 Hazamir St., Kiryat-Ono, 55507, Israel

P0007

# Art Optic Ltd

*Hand Painted Eyewear*

To: Samuel Tomashover  
New Light eyewear  
444 east 75<sup>th</sup> street  
suite #17C  
NY, New York 10021  
U.S.A

May-15-2005

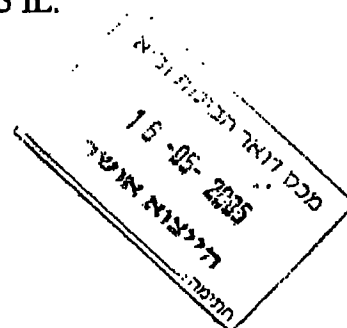
## Invoice #OP/107

<u>Description</u>	<u>Quantity</u>	<u>Price/pc</u>	<u>Total</u>
Hand Painted acetate Optical frames & Cases	451 pcs	25.00	11,275
Optical Cases (Charged in previous Invoice #op/100)	400 pcs		F.O.C
EMS freight & Insurance			<u>575.00</u>
<b>Total Value-</b>			<b><u>11,850 US\$</u></b>

### Origin of Goods- Israel

Goods are Packed in 5 Master Cartons: Carton no.1 containing 451 Frames & 51 Cases, Cartons 2-5 containing 800 Cases (200 pcs each).

Shipper- EMS, trucking numbers: EE 060907407 IL, EE 060907424 IL, EE 060907438 IL, EE 060907441 IL, EE 060907455 IL.



Art Optic Ltd TelFax:972-3-5351942, Mobile: 972(0)54-4847708 (Ehud)  
Address: 61 Hazamir St., Kiryat-Ono, 55507, Israel

P0008

# Art Optic Ltd

*Hand Painted Eyewear*

To: Samuel Tomashover  
New Light eyewear  
444 east 75<sup>th</sup> Street  
Suite #17C  
NY, New York 10021  
U.S.A

July-19-2005

## INVOICE #OP/113

<u>Description</u>	<u>Quantity</u>	<u>Price/pc</u>	<u>Total</u>
Hand Painted acetate Optical Frames	427 Pcs	25.00	10,675
Optical Cases	400 Pcs	F.O.C	00
EMS postage & Insurance			368.00
Credit due for 108 frames (found defected under Warrantee)		25.00	- 2700.00
<b>Total Value -</b>			<b><u>8,343.00 US\$</u></b>

Origin of Goods- Israel

Goods are packed in 3 Master Cartons

Shipper EMS, Tracking numbers: EE 062588459 IL, EE 062588462 IL,  
EE 062588476 IL.



Art Optic Ltd TelFax:972-3-5351942, Mobile: 972(0)54-4847708 (Ehud)  
Address: 61 Hazamir St., Kiryat-Ono, 55507, Israel

P0009

# Art Optic Ltd

*Hand Painted Eyewear*

To: Samuel Tomashover  
New Light eyewear  
444 east 75<sup>th</sup> street  
Suite #17/C  
N.Y, New York 10021  
U.S.A

September-04-2005

## Invoice #OP/115

<u>Description</u>	<u>Quantity</u>	<u>Price/pc</u>	<u>Total</u>
Hand Painted acetate Optical frames	245 Pcs	25.00 \$	6,125.00 \$
Optical Cases	200 Pcs	F.O.C	-----
EMS postage & insurance			<u>225.00</u>
<b>Total Value-</b>			<b><u>6,350.00 US\$</u></b>

Origin of Goods- Israel

Goods are packed in 2 master cartons

Shipper EMS, tracking no. EE 062588555 IL, EE 062588564 IL.

New color samples-color codes TRS (tiger temples,shiny front) and  
TRM (tiger temples,matt front) in assorted models 35 pcs are included  
In this shipment- F.O.C.

Also included small & large cards for advertising purposes.



Art Optic Ltd TelFax:972-3-5351942, Mobile: 972(0)54-4847708 (Ehud)  
Address: 61 Hazamir St, Kiryat-Ono, 55507, Israel

P0010

# Art Optic Ltd

*Hand Painted Eyewear*

To: Samuel Tomashover  
New Light Eyewear  
444 east 75<sup>th</sup> street  
Suite #17C  
NY, New York 10021  
U.S.A

October-30-2005

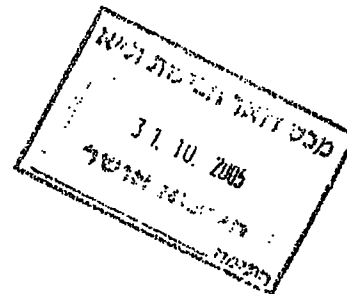
## INVOICE #OP/119

<u>Description</u>	<u>Quantity</u>	<u>Price/pc</u>	<u>Total</u>
Hand Painted acetate Optical Frames	610 Pcs	25.00	15,250.00
EMS postage & Insurance (postage including 600 cases- to be sent later this week)			495.00
<b>Total Value-</b>			<b><u>15,745.00 US\$</u></b>

Origin of goods- Israel

Frames are packed in one master carton

Shipper- EMS, tracking number: EE 062588670 IL



Art Optic Ltd TelFax:972-3-5351942, Mobile: 972(0)54-4847708 (Ehud)  
Address: 61 Hazamir St., Kiryat-Ono, 55507, Israel

P0011

**Art Optic Ltd***Hand Painted Eyewear*

To: Samuel Tomashover  
 New Light Eyewear  
 444 east 75<sup>th</sup> street  
 Suite #17C  
 N.Y, New York 10021

November-06-2005

**INVOICE #OP/120**

<b><u>Description</u></b>	<b><u>Quantity</u></b>	<b><u>Price/pc</u></b>	<b><u>Total</u></b>
Hand Painted acetate optical frames Model 2148-	40 Pcs	25.00	1,000.00
In the following colors:			
01- 10 pcs			
02- 14 pcs			
5a- 6 pcs			
13- 4 pcs			
08- 1 pc			
09- 1 pc			
14a-1 pc			
16- 1 pc			
33- 1 pc			
3a- 1 pc			
Model 1174 color 5a (replacement)			--F.O.C
Optical Cases (not for sale, for Sales promotion purposes only)-	600 Pcs		F.O.C
E.M.S postage & Insurance			65.00
Total Value-			<b><u>1,065 US\$</u></b>

Origin of Goods- Israel

Shipper EMS, tracking number EE 062588706 IL (frames)  
 EE 062588710 IL, EE 062588723 IL, EE 062588737 IL

Art Optic Ltd TelFax:972-3-5351942, Mobile: 972(0)54-4847708 (Ehud)  
 Address: 61 Hazamir St., Kiryat-Ono, 55507, Israel

P0012

P.10

2461585 3 276+

p17 0120 1JH

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# Art Optic Ltd

*Hand Painted Eyewear*

To: Samuel Tomashover  
New Light Eyewear  
444 east 75<sup>th</sup> street  
Suite #17C  
New York, NY 10021

December-11-2005

## INVOICE #OP/123

**Reg:** Hand Painted acetate Optical frames

<u>Model no.</u>	<u>Quantity</u>	<u>Price/pc</u>	<u>Total</u>
1762	32 Pcs	25.00	800.00
1763	14	25.00	350.00
1764	38	25.00	950.00
1540	11	25.00	275.00
1680	14	25.00	350.00
1686	18	25.00	450.00
1556(49-20)	24	25.00	600.00
2705	20	25.00	500.00
1440	2	25.00	50.00
1174	39	25.00	975.00
2319	21	25.00	525.00
2321	80	25.00	2000.00
2148	31	25.00	775.00
2147	9	25.00	225.00
2320	22	25.00	550.00
1679	6	25.00	150.00
2322(delivered	<u>12</u>	25.00	<u>300.00</u>
in September	393 Pcs		9825.00
to Vegas)			
<b>Credit for 32 frames under Guarantee-</b>			- 800.00
<b>EMS postage &amp; Insurance-</b>			<u>125.00</u>
<b>Total Value-</b>			<b><u>9150.00 US\$</u></b>

Origin of Goods- Israel

Shipper EMS, goods are packed in one master carton: EE 069956507 IL.

Art Optic Ltd TelFax:972-3-5351942, Mobile: 972(0)54-4847708 (Ehud)  
Address: 61 Hazamir St., Kiryat-Ono, 55507, Israel

P0013

# Art Optic Ltd

*Hand Painted Eyewear*

To: Samuel Tomashover  
New Light Eyewear  
444 east 75<sup>th</sup> street  
Suite # 17C  
NY, New York 10021  
U.S.A

February-02-2006

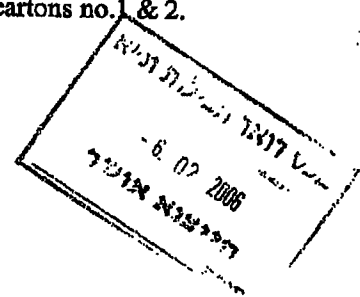
## INVOICE #OP/127

<u>Description</u>	<u>Quantity</u>	<u>Price/pc</u>	<u>Total</u>
Hand Painted acetate Optical frames	385 Pcs	25.00	9,625.00
Optical Cases	440 Pcs		F.O.C.
EMS postage & Insurance (postage including 20k\$- brochures to be sent next week)			575.00
<b>Total Value-</b>			<b><u>10,200 US\$</u></b>

Origin of Goods- Israel

Optical frames are packed in one carton no.1, cases are packed in 2 cartons no.1 & 2.

Shipper EMS.



Art Optic Ltd TelFax:972-3-5351942, Mobile: 972(0)54-4847708 (Ehud)  
Address: 61 Hazamir St., Kiryat-Ono, 55507, Israel

P0014

**Art Optic Ltd**  
*Hand Painted Eyewear*

**To:** Samuel Tomashover  
New Light eyewear  
444 east 75<sup>th</sup> street  
Suite #17C  
New York, NY 10021  
U.S.A

March-07-2006

**INVOICE #OP/129**

<b><u>Description</u></b>	<b><u>Quantity</u></b>	<b><u>Price/pc</u></b>	<b><u>Total</u></b>
Hand Painted acetate Optical Frames	93 Pcs	25.00	2325.00
EMS postage & Insurance			85.00
<b>Total Value-</b>			<b><u>2,410.00 US\$</u></b>

**Origin of Goods- Israel**

**Goods are packed in one master carton**

**Shipper EMS- tracking no. EE 068697001 IL.**

Art Optic Ltd TelFax:972-3-5351942, Mobile: 972(0)54-4847708 (Ehud)  
Address: 61 Hazamir St., Kiryat-Ono, 55507, Israel

P0015

P.13

2615895 3 276+

Art Optic Ltd

03 Feb 2008 21:36

**Art Optic Ltd***Hand Painted Eyewear*

To: Samuel Tomashover  
 New Light eyewear  
 444 east 75<sup>th</sup> street  
 Suite #17C  
 New York, N.Y 10021  
 U.S.A.

March-23-2006

**INVOICE #OP/131**

<b><u>Description</u></b>	<b><u>Quantity</u></b>	<b><u>Price/pc</u></b>	<b><u>Total</u></b>
Hand Painted acetate Optical Frames & Cases	467 Pcs	25.00	11,675.00
EMS Postage			455.00
Total Value-			12,130 US\$

Origin of Goods- Israel

Goods are packed in 3 master cartons. Carton no.1 contains 467 Frames, 50  
 Cases, carton no. 3 & 4 contain 400 Cases.

Shipper EMS



Art Optic Ltd TelFax:972-3-5351942, Mobile: 972(0)54-4847708 (Ehud)  
 Address: 61 Hazamir St., Kiryat-Ono, 55507, Israel

P0016

**Art Optic Ltd***Hand Painted Eyewear*

To: Samuel Tomashover  
 Newlight Eyewear  
 444 east 75<sup>th</sup> street  
 Suite #17C  
 New York, N.Y 10021  
 U.S.A.

March-27-2006

**INVOICE #OP/132**

<b><u>Description</u></b>	<b><u>Quantity</u></b>	<b><u>Price/pc</u></b>	<b><u>Total</u></b>
Hand Painted acetate Optical frames:			
New colors (for exhibition only)-	48 Pcs	12.50	600.00
Model 1540 in assorted colors-	64 Pcs	25.00	1,600.00
EMS Postage-			80.00
<b>Total Value-</b>			<b><u>2,280.00 US\$</u></b>

Origin of Goods- Israel

Goods are packed in one master carton

Shipper- EMS



Art Optic Ltd TelFax:972-3-5351942, Mobile: 972(0)54-4847708 (Ehud)  
 Address: 61 Hazamir St., Kiryat-Ono, 55507, Israel

P0017

# Art Optic Ltd

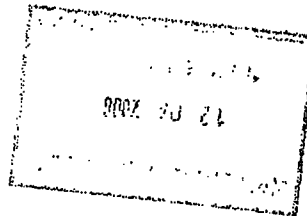
*Hand Painted Eyewear*

To: Sammy Tomashover  
444 east 75<sup>th</sup> street  
Suite #17C  
New York, NY 10021  
U.S.A.

April-11-2006

## INVOICE #OP/135

<u>Description</u>	<u>Quantity</u>	<u>Price/pc</u>	<u>Total</u>
Hand Painted acetate Optical frames Intended as SAMPLES for Rep (Vikie) And are not for sale !	70 Pcs	12.50	875.00
Model 2147-06	1 pc	25.00	25.00
5 pairs of temples for 1680-03,3a.			F.O.C.
EMS Postage-			65.00
<b>Total Value-</b>			<b><u>965.00 US\$</u></b>
Origin of Goods- Israel			
Goods are packed in one master carton			
Shipper- EMS, tracking no. EE 072544687 IL			



Art Optic Ltd TelFax:972-3-5351942, Mobile: 972(0)54-4847708 (Ehud)  
Address: 61 Hazamir St., Kiryat-Ono, 55507, Israel

P0018

**Art Optic Ltd***Hand Painted Eyewear*

To: Sammy Tomashover  
 New Light eyewear  
 444 east 75<sup>th</sup> street  
 Suite 317C  
 New York, NY 10021  
 U.S.A.  
 Tel: 212-2885827

May-14-2006

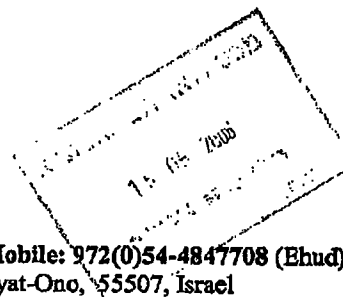
**INVOICE # OP/137**

<b><u>Description</u></b>	<b><u>Quantity</u></b>	<b><u>Price/pc</u></b>	<b><u>Total</u></b>
Hand Painted acetate Optical Frames & Cases	117 Pcs	25.00	2925.00
Cases owed from previous Shipments	83 Pcs	F.O.C.	F.O.C.
EMS postage			250.00
Total Value-			<b><u>3,175.00 USD</u></b>

Origin of Goods- Israel

Goods are packed in 2 master cartons

Shipper EMS, tracking no: EE 072544815 IL (117 frames),  
 EE 072544829 IL (200 cases).



Art Optic Ltd TelFax:972-3-5351942, Mobile: 972(0)54-4847708 (Ehud)  
 Address: 61 Hazamir St., Kiryat-Ono, 55507, Israel

P0019

# Art Optic Ltd

*Hand Painted Eyewear*

To: Sammy Tomashover  
New Light eyewear  
444 east 75<sup>th</sup> street  
Suite # 17C  
New York, NY 10021  
U.S.A.

July-27-2006

## Invoice #OP/139

<u>Description</u>	<u>Quantity</u>	<u>Price/pc</u>	<u>Amount</u>
Hand Painted acetate Optical Frames & Cases	482 Pcs	26.00	12,532.00
Frames samples for Reps	100 Pcs	13.00	1,300.00
EMS Postage			490.00
Total Value-			<b><u>14,322 USD</u></b>

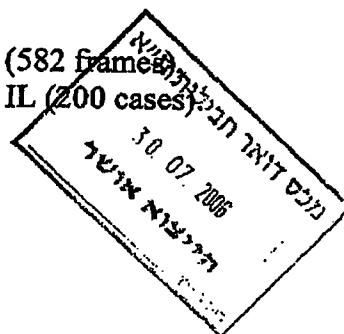
### Comments:

400 Cases are supplied with this shipment, 82 pcs shall  
be sent with next shipment.

Origin of Goods: Israel

Goods are packed in 3 master cartons

Shipper EMS, tracking no.: EE 072544850 IL (582 frames)  
EE 072544863 IL (200 cases), EE 072544877 IL (200 cases)



Art Optic Ltd TelFax:972-3-5351942, Mobile: 972(0)54-4847708 (Ehud)  
Address: 61 Hazamir St., Kiryat-Ono, 55507, Israel

P0020



**Art Optic Ltd**  
*Hand Painted Eyewear*

To: Samuel Tomashover  
444 East 75<sup>th</sup> Street  
Suite #17C  
New York, NY 10021  
U.S.A.

October-03-2006

INVOICE #OP/146

Description:	Quantity	Price/pc	Total
Hand Painted Optical Frames	514 Pcs	26.00	13,364
Cases	600 Pcs		F.O.C.
EMS postage (including postage For 200 cases sent under OP/140)-			740
Total Value-			14,104.00 USD

Origin of Goods- Israel

Goods are packed in 4 master cartons, Shipper EMS tracking numbers:  
EE 072544925 IL, EE 072544934 IL, EE 072544948 IL, EE 072544951 IL

Art Optic Ltd TelFax:972-3-5351942, Mobile: 972(0)54-4847708 (Ehud)  
Address: 61 Hazamir St., Kiryat-Ono, 55507, Israel

P0021

P.18

2461965 8 226+

Art Optic Ltd

03 Feb 2008 21:42

**EXHIBIT 3**

**Summary of Invoices For Frames Purchased By the Tomashovers from Art-Optic, Ltd. in 2005 and 2006\***

<u>Date</u>	<u>Amount of Frames Purchased</u>	<u>Price</u>
2/14/2005	290	7,250
2/15/2005	734	18,350
3/1/2005	310	7,750
4/6/2005	459	10,842
5/15/2005	451	11,850
7/19/2005	427	7,975
9/4/2005	245	6,125
10/30/2005	610	15,250
11/6/2005	40	1,000
12/11/2005	393	9,025
2/2/2006	385	9,625
3/7/2006	93	2,325
3/23/2006	467	11,675
3/27/2006	112	2,200
4/11/2006	71	900
5/14/2006	117	2,925
7/27/2006	482	13,832
10/3/2006	514	13,364
<b>TOTAL</b>	<b>6,200</b>	<b>\$152,263.00</b>

\* Plaintiff is not in possession of two invoices for 2005 and 2006. However, Art-Optic, Ltd.'s accountant certified that total sales were \$157,396.00.

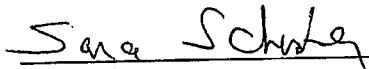
**EXHIBIT 4**

**AFFIDAVIT OF TRUE TRANSLATION**

STATE OF NEW YORK     )  
                                  )ss:  
COUNTY OF NEW YORK    )


Sara Schuster, being duly sworn deposes and says:

1. I am an accredited court interpreter and translator.
2. I am well acquainted with the Hebrew and English Languages.
3. The attached document marked "B" which is endorsed by my signature in the bottom left corner for purposes of identification, is a true translation of the document marked "A" which is similarly endorsed by my signature in the bottom left corner for purposes of identification.

  
Sara Schuster

Sworn to before me  
February 15, 2008

  
Notary Public

  
**ELLEN S. GOLDSTEIN**  
Notary Public, State of New York  
No. 01GO5017326  
Qualified in New York County  
Commission Expires August 30, 2009

Document "A"

1



בתי המשפט

בית משפט מחוזי תל אביב-יפו

בשא 009267/07

בתיק עיקרי: א 001661/07

20/09/2007

בפני: כבוד השופט יהודה זפט - סגן נשיא

בענין: ארט אומטיק בע"מ

המבקשת

נ ג ד

1. סמואל טומשובר

2. גברת מריל טומשובר

המשיבים

נוכחים: ב"כ המבקשת עו"ד גינחר

ב"כ המשיבים עו"ד לחב ושמעוני

פרוטוקול

ב"כ המבקשת: אני מבקש למשוך את התצהירים שצורפו לבקשה וזאת תצויר מנהל המבקשת.

החלטה

כמבוקש.

ניתנה היום ח' בתשרי, תשס"ח (20 בספטמבר 2007) במעמד הצדדים.

השופט יהודה זפט - סגן נשיא

ב"כ המבקשים: מציג את המשקפיים המזויפות שבהם המספר "13" שעל גבי ידית המשקף הוא מודפס ואצל המבקשת המספר כתוב בכתב יד על ידי הציירת. זה ההבדל הבולט. המסגרות מוגשת.

Sara Schote

P0023

2



בני המשפט

בית משפט מחוזי תל אביב-יפו

בשא 009267/07

בתיק עיקרי: א 001661/07

20/09/2007

בפני: כבוד השופט יהודה זפט - סגן נשיא

אחד ביבדינו לאחר שהוחזר בחזקמשיב בחג. לפי המשיבים

ש. אתה טוען שהמשיבים מזייפים את המשקפיים של המבקשת. איזה ראיה יש לך שהמשיבים מזייפים את המשקפיים שלכם ולא אחרים?

ת. חנות אופטיקה בשם אינסייד איילורד קנתה מהמשיבים את המשקפיים האלה ונתנו לה חשבונית על הרכישה ונציג החנות שנמצאת בחו"ל שלחה לי אותם כמזוייפים.

ש.ת. הייתי מעורב בחתקשרות בין הצדדים.

ש. אתה מכיר את סעיף 5 לחסכם בין הצדדים - היית אמור לתת לו זכות סירוב ראשונה. למה זה לא קרה?

ת. החסכם היה לשנה, זו הייתה שנת נסיון והכוונה הכללית הייתה שאם הכל יהיה בסדר נמשיך חלילה.

ש. בסעיף 5 כתוב שאם ההתקשרות תתקיים אתה תרכוש ממנו את המשסגרות ותיתן לו זכות סירוב ראשונה.

ת. ההתקשרות הסתיימה בסוף 2006.

ש. בסוף שנת 2006 כשהסתיימה ההתקשרות לא ניתנה לו זכות הסירוב הראשונה ולא רכשתי ממנו את המסגרות כי הוא לא ביקש.

ש. אם היום המשיב 1 יבקש ממך לרכוש ממנו את ה-3 אלף מסגרות שנמצאות אצלו - אתה תסכים לרכוש אותם?

ת. משקפיים שהם של המבקשת, שאנחנו ייצרנו אותם סוג א' - אני חושב שאני ארכוש ממנו אותם.

ש. מעבר לשמה של אותה חנות שאמרה לך שהם קנו מהמשיב סחורה מזוייפת, יש לך ראיה נוספת לטענת הזיוף?

ת. הייתה תערוכה בניו יורק בחודש מרץ ששם הוא הציג כמה מאות מסגרות, לאחר שהוא לא קנה ממני כמה חודשים מסגרות, גברת בשם רות דומבר ראתה שהוא מוכר זיופים ויש חנות בורגיניה שקנתה מהמשיבים זיופים וגם סיפרה לנו על כך.

ש. לגבי החנות בורגיניה - אני מפנה לתצהיר של איתמר בו שם נאמר שבני זוג הגיעו, לא אמרו טומשובר.

ת. בני זוג זה שני המשיבים, הם מכרו מסגרות שכתוב עליהם רנית פירש.

3



בתי המשפט

בית משפט מחוזי תל אביב-יפו

בשא/07/009267

בתיק עיקרי: א 001661/07

20/09/2007

בפני: כבוד השופט יהודה זפט - סגן נשיא

ש. לגבי הגברת רות דומבר - עיינתי בתצהיר ויש המניה לתמונות, נספח 1 לכתב התביעה. אלח התמונות מהיריד שעליו דיברתי.  
 ת. כן. אלח הן תמונות שצלמו מרחוק, לא אפשרו לה לצלם מרחוק. הרקע הצבעוני זה רקע שהם קיבלו מאיתם בתערוכה הקודמת.  
 ש. אני אומר שזה של קלוין קליין.  
 ת. זה לא נכון, זה חלק מפוסטר שלנו. רות דומבר לא תצהיר הצהרת שקר. באתר של התערוכה רשום שהם מופיעים בתערוכה הזאת שחתקיימה במרץ, רשום "רונית פירסט" ולא אנתו חיינו מיסית. כותב בעמוד האינטרנט שאני מציג לך טומשובר.  
 ש. אני אומר לך שהמסגרות האלו שלטענת נמכרו באותה תערוכה על ידי משיב 1 הם חלק מאותם 3 אלף המסגרות שמכרתם לו והוא מבקש לחתפטר מהם.  
 ת. בשנתיים שהוא עבד איתי הוא קנה כל פעם כמויות קטנות, לפי ההזמנות שהוא קיבל מחנויות כך שלא חיוני שיהיה בידו סטוק כזה גדול. מדובר במשקפיים מזוייפים ושחוא לא תקוע איתם, הוא מוכר אותם יום יום.

סימול טומשובר לאיתו שהותחד בחוג.

משיב 1, לענ"ד נניח, ב"כ התבקשה

ש. אני מציג לפניך את זוגות המשקפיים שחוגשו בפתח הדיון ואני מפנה אותך למספר "13" שעל גבי דית חמשקף. כיתוב המספרים הוא אותו דברו אני אומר לך שאחד כתוב בכתב יד והשני מודפס.

ת. אני מסכים, האחד מודפס והאחד כתוב.

ש. האם אי פעם קנית מהמבקשת ולו מסגרת אחת שעליה המספר הקטלוגי של הצבע מודפס, כמו בדוגמא של המספר "13" שהצגתי לך קודם.

ת. עד לפני שקיבלתי את כתב התביעה לא הבחנתי בהבדל בין מספר מודפס לבין מספר הכתוב בכתב יד.

ש. לא אבחנת כי לא יכולת לאבחן כי מעולם לא קיבלת מרונית פירסט משקפיים שהמספר עליהם מודפס כי הם לא עושים זאת. אתה יכול להכחיש או לאשר זאת?  
 ת. אני לא יכול לאשר.

Sara Schuster

P0025



4



בתי המשפט

בית משפט מחוזי תל אביב-יפו

בש"א 009267/07

בת"ק ע"ק די: א 001661/07

20/09/2007

בפני: כבוד השופט יהודה זפט - סגן נשיא

ש. האם הצגתם או לא הצגתם בורגיניה משקפים של רונית פירסט?  
 ת. במערכת השיווק ובמאמצו היינו במדינת וירג'יניה ונסינו למכור מסגרות בעיירות שונות  
 בורגיניה כמו בכל מדינה אחרת בארה"ב, עשינו מאמצים לשווק.  
 ש. באשר לתצהירה של קסי שו - האם חופעת אצלה ומכרת לה מסגרות?  
 ת. כן.  
 ש. האם היית ביריד בניו יורק שבה הנבי רות דומבר הציעה?  
 ת. הייתי ביריד בניו יורק והיה לי דוכן שם.  
 ש. כאשר קיבלת חודעה במייל מביברן שהוא מפסיק את ההתקשרות. היה לך מלאי שלו?  
 ת. קיבלתי את המייל הזה והיה לי מלאי.  
 ש. למח לא ביקשת ממנו לקנות את המלאי?  
 ת. כי הוא ביקש את הכתובות של הקליינטים שלי, שלח להם מכתבים שאין לי זכות למכור יותר  
 מסגרות והתחיל למכור להם ישירות מסגרות. אני גר בארה"ב והיתה לי בעיה לבנות את התביעה.  
 ש. נשארתי עם מלאי גדול ויש לך מסמך בו הוא מתחייב לרכוש ממך את המלאי. למח לא שלחת לו  
 מייל ואמרת לו שלפי החסכם הוא חייב לרכוש ממך את המסגרות?  
 ת. קיבלתי מכתב מעו"ד גנייה ובו לא אוזכר הזכות שלי לפי סעיף 5. במכתב היה כתוב שאני  
 אוזיע לכל הלקוחות שלי שיתקשרו לעורך הדין במקרה שחם רוצים לרכוש מסגרות.  
 ש. לא זכרת שיש סעיף 5 שנועד בעצם לחגן עליך?  
 ת. באותו שלב לא קראתי את סעיף 5, הייתי במצב נפשי קשה, הייתי מושקע במלאים שהוא לא  
 ידע אפילו.  
 ש. אני אומר לך שאתה לא הצעת לו לרכוש את המסגרות כי הן מזויפות וברגע שהיית מציע לו  
 חששת שהוא ידע שמדובר במזויפות.  
 ת. שקר.  
 ש. באשר לנספח ג לתשובת המבקשת.  
 ת. זו הזמנת השלמה להזמנה נדולה שנעשתה.  
 ש. בהמשך לאותו נספח ג - יש לך סטוקים ואתה מזמין 2-3 מסגרות?  
 ת. נכון שיש לי סטוקים אבל הרכה מהם יושבים בחשבוטות קונסטיגנציה אצל לקוחות.

Sara Schuler

P0026

5



בתי המשפט

בית משפט מחוזי תל אביב-יפו

בשא 009267/07

בתיק עיקרי: א 001661/07

20/09/2007

בפני: כבוד השופט יהודה זפט - סגן נשיא

החלטת

סיכומי התביעה יוגשו בתוך 5 ימים.  
סיכומי התביעה יוגשו בתוך 5 ימים לאחר מכן.  
פרת סוכות תמנה.  
ארכו של כתב סיכומים לא יעלה על 5 עמודים (רווח כפול, שוליים כמקובל, גופן דיויד 12, A4).  
שתי המסגרות שחוגשו יוכנו למעטפה שסומנה 2.

ניתנה היום ח' בתשרי, תשס"ח (20 בספטמבר 2007) במעמד הצדדים.

השופט יהודה זפט - סגן נשיא



בית המשפט המחוזי תל אביב-יפו  
סגן נשיא  
14/2/07

Sara Schuster

Document 'B'

1

Translation from Hebrew  
Corresponds to page 1

[Emblem]  
The courts

(Rubber stamps:  
89  
Tel Aviv – Jaffa)

**Tel Aviv-Jaffa District Court**

**BSA 009267/07**

**In main case: A 001661/07**

**Before: The Honorable judge Yehuda Zaft – Vice President 09/20/2007**

In the matter of: Art Optic, Ltd.

**Plaintiff**

**Against**

1. Samuel Tomashover
2. Mrs. Meril Tomashover

**Defendants**

**Present:** Plaintiff's attorney, Ganihar, Esq.  
Defendants' attorneys, Lahav, Esq. and Shimoni, Esq.

**Proceedings**

**Plaintiff's attorney:** I request to withdraw the affidavits which were attached to the application except for the affidavit of the plaintiff's manager.

**Decision**

As requested.

**Given today, 8 Tishrei 5768 (September 20<sup>th</sup> 2007) in the presence of the parties.**

-----  
**Judge Yehuda Zaft – Vice President**

**Plaintiff's attorney:** Presents the counterfeit glasses with number "13" printed on the arm whereas on the plaintiff's the number is handwritten by the painter. This is the obvious difference.

The frame is submitted.

Sara Schuster

P0028

Translation from Hebrew  
Corresponds to page 2

[Emblem]  
The courts

(Rubber stamps:  
District court  
Tel Aviv – Jaffa)

Tel Aviv – Jaffa District Court

BSA 009267/07

In the main case A 001661/07

Before: The Honorable judge Yehuda Zaft – Vice President 09/20/2007

**Ehud Bibering after being rightfully warned**  
**Responds in cross-examination to the defendants' attorney**

Q: You claim that the defendants forged the plaintiff's glasses. What proof do you have that the defendants are forging your glasses and not those of others?

A: An optics store called *Inside Hayward* purchased those glasses from the defendants and gave them an invoice. The representative of the store which is located overseas sent them to me as counterfeit.

Q.A: I was involved in the agreement between the parties.

Q: You are familiar with paragraph 5 of the agreement between the parties – you were supposed to give him the right of first refusal. Why did it not happen?

A: The agreement was for one year. This was a trial year and the general intention was that if everything went well we would continue.

Q: Paragraph 5 states that if the agreement would exist you will purchase the frames from him and will give him the right of first refusal.

A: The agreement expired at the end of 2006.

Q: At the end of 2006 when the agreement expired he was not given the first right of refusal and I did not purchase the frames from him because he did not ask me to.

Q: If the first defendant asked you today to purchase from him the 3 thousand frames which are in his possession – would you agree to purchase them?

A: I think that I would purchase from him glasses that the plaintiff produced as type "AA".

Q: Other than the store that told you that they had purchased counterfeit glasses from the defendant, do you have further proof of the forgery claim?

A: There was an exhibition in New York in March where he showed a few hundred frames, after he had not bought frames from me for several months. A woman by the name of Ruth Domber saw that he was selling forgeries and there is also a store in Virginia that bought forgeries from the defendants and also told us about it.

Q: About the store in Virginia – I refer you to Itamar's affidavit where it says the a couple came, they did not say Tomashover.

A: A couple means the defendants. They sold frames with the inscription Ronit First.

*Sara Schuster*

Translation from Hebrew  
Corresponds to page 3

[Emblem]  
The courts

Tel Aviv – Jaffa District Court

(Rubber stamps:  
Illegible)  
BSA 009267/07  
In main case A 001661/07  
09/20/2007

**Before: The Honorable judge Yehuda Zaft – Vice President**

Q: In the matter of Mrs. Roth Domber – I read the affidavit and there is a reference to pictures, appendix f to the indictment. Are those pictures from the fair which you have discussed?

A: Yes. Those are pictures that were taken from afar. She was not allowed to take pictures from afar. The colorful background was given to them by us in the previous exhibition.

Q: I am saying that this is Calvin Klein's!

A: This is incorrect. This is part of our poster. Ruth Domber would not give a misstatement. In the exhibition's website it states that they participated in this exhibition which took place in March. It says "Ronit First" and we were not present there in person. In the website page which I am showing you it says Tomashover.

Q: I am telling you that those frames which you claim to have been sold in that exhibition by defendant no. 1 are part of those 3 thousand frames which you had sold him and he was looking to get rid of.

A: During the two years that he worked with me he purchased small quantities each time, in accordance with orders which he received from stores so it does not make sense that he would have such a big stock in his possession. We are talking about counterfeit glasses that he is not stuck with, he is selling them every day.

**Samuel Tomashover after being rightfully warned**

**Responds in cross-examination to attorney Ganihar, the plaintiff's attorney**

Q: I am showing you the glasses which were presented at the opening of the session and refer you to the number "13" on the arm of the glasses. Is the writing the same? I am telling you that one is handwritten and the other is printed.

A: I agree. One is printed and one is handwritten.

Q: Have you ever purchased from the plaintiff even one frame where the catalogue number of the color is printed, as in the sample of the number "13" which I have showed you before.

A: Until I received the indictment I had not noticed the difference between the printed number and the handwritten one.

*Sara Schuster*

Translation from Hebrew  
Corresponds to page 3

Q: You did not notice because you were unable to notice because you never received any glasses with a printed number from Ronit First because they do not do it. Can you deny or confirm it?

A: I cannot confirm.

Sana Schuster

P0031

Translation from Hebrew  
Corresponds to page 4

[Emblem]  
The courts

(Rubber stamps:  
Illegible)

**Tel Aviv – Jaffa district court**

**BSA 009267/07  
In main case A 001661/07**

**Before: The Honorable judge Yehuda Zaft – Vice President 09/20/2007**

Q: Did you or did you not show Ronit First's glasses in Virginia?

A: [As part of] our marketing system and our efforts, we were in Virginia and tried to sell frames in various towns just like in any other state in the USA. We made efforts to market.

Q: As to Katie Show's affidavit – did you show up at her place and sold her frames?

A: Yes.

Q: Were you present at the New York fair where Mrs. Ruth Domber exhibited?

A: I was at the New York fair and had a stand there.

Q: When you received a notice by e-mail from Biberling that he withdrew from the agreement, did you have a stock from him?

A: I did receive this e-mail and had a stock.

Q: Why did you not ask to buy the stock from him?

A: Because he asked for the addresses of my clients, sent them letters [saying] that I did not have the right to sell any more frames and he started to sell them frames directly. I reside in the USA and I had a problem in building the case.

Q: You were left with a large stock and you have a document stating that he undertook to buy the stock from you. Why did you not send him an e-mail telling him that in accordance with the agreement he undertook to buy the frames from you?

A: I received a letter from attorney Ganihar which did not mention my right in accordance with paragraph 5. The letter said that I would inform all my clients that if they wished to purchase frames they should contact the attorney.

Q: You did not remember that there is a paragraph 5 which was actually meant to protect you?

A: At that point I did not read paragraph 5. I was in a difficult mental state. I have invested in stocks that he did not even know about.

Q: I am telling you that you did not offer him to buy the frames because they were counterfeit and you were afraid that the moment you offer him he would know that this was a case of counterfeit.

A: A lie.

Q: As to appendix c in the response of the plaintiff.

A: This order completed the big order that had been placed.

Q: Following that appendix c – you have large stocks and you order 2-3 frames?

A: It is true that I have stocks but many of those are in my clients' accounts by consignment.

Sara Schneider

Translation from Hebrew  
Corresponds to page 5

[Emblem]  
The courts

**Tel Aviv – Jaffa District Court**

**BSA 009267/07**

**In main case A 001661/07**

**Before: The Honorable judge Yehuda Zaft – Vice President 09/20/2007**

Decision

Plaintiff's summations will be submitted within 5 days.

Defendants' summations will be submitted 5 days later.

Sukkot recess will be counted.

Summations will not be longer than 5 pages (Double space, regular margins, type David 12, 4A)

The two frames that were submitted will be placed inside an envelope marked 2.

**Issued today, Tishrei 8, 5768 (September 20<sup>th</sup> 2007) in the presence of the parties.**

-----  
**Judge Yehuda Zaft – Vice President**

(Rubber Stamp:  
District Court  
[Emblem]  
Tel Aviv)

Rubber stamp:  
District Court in Tel Aviv  
**I CONFIRM** (Signature)  
That this is a correct copy and corresponds to the original

2/14/08 (Handwritten)

-----  
Date

74-----  
(Illegible)

*Sara Schuster*



**EXHIBIT 5**

ehud

מאת: "sammy thomas" <greeneyes\_76@hotmail.com>  
 אל: <ehud@op-art.co.il>  
 משלח: יום רביעי 15 מרץ 2006 19:01  
 נושא: HI, DO YOU HAVE ANY FRAMES 1764 THERE?

WE SENT YOU THIS EMAIL LAST WEEK REGARDING 1764.  
 YOU DID NOT REPLY TO IT!

HERE IT IS AGAIN:

WE HAVE A CUSTOMER IN MINNEAPOLIS, A CHILDREN CLINIC, THAT HAS BEEN  
 CONSISTENTLY BUYING 1764'S FROM US.  
 WE ARE LEFT WITH FRAMES IN 1A ONLY.  
 WE HAVE NOTHING TO SHIP HERE.....  
 FOLLOWING ARE THE MOST POPULAR COLORS AND WE CAN USE:

16  
 17  
 10  
 06  
 20  
 1A

AND ALSO WE CAN USE A FEW OF EACH:

09  
 11  
 2A  
 14A  
 19

AND, ARE YOU MAKING SOME NEW PROTOTYPES OF CHILDREN FRAMES FOR US  
 FOR THE  
 SHOW?

ROUND CHILDREN FRAMES WILL DO GREAT IN OUR OPINION!

WE HAVE A SERIOUS PROBLEM THAT WE ARE FACING HERE BEFORE THE  
 VISIONEXPOEAST:  
 WE ARE OUT OF COLORS IN MANY STYLES GOING INTO THE SHOW....  
 WE WILL NOT BE ABLE TO COLLECT MONEY AFTER THE SHOW IF WE WERE TO  
 TAKE  
 ORDERS FOR FRAMES WE DO NOT HAVE IN STOCK, SINCE WE DO NOT HAVE  
 INVENTORY!

EXAMPLES:

1174 IN COLORS 05 AND T2 WE ARE COMPLETELY OUT  
 1174 IN COLOR 21 AND T218 WE HAVE NO STOCK WHAT SO EVER  
 2321-NO COLOR 16,1A,2A,17,TZ,06,21 AT ALL FOR THE SHOW.  
 THESE ARE JUST A FEW EXAMPLES.....

THERE ARE A LOT MORE OTHER STYLES AND COLORS THAT WE ARE COMPLETELY  
 OUT OF  
 INVENTORY !

16/03/2006

P0034

WE WILL NOT TAKE ORDERS FOR THESE FRAMES AT THE SHOW AND ALL OTHER  
FRAMES  
THAT PEOPLE REQUEST US. FOR FRAMES THAT WE KNOW THAT YOU DO NOT HAVE  
TO SEND  
US IMMEDIATELY.

WE HAVE A CUSTOMER IN WESTCHESTER COUNTY THAT ORDERED 10 FRAMES IN  
MATT  
COLORS THAT YOU HAVENT YET SUPPLIED US WITH OVER 6 MONTHS AGO!

WE WILL ONLY SELL WHAT WE HAVE IN STOCK.

PLEASE GIVE US SOME OF YOUR THOUGHTS ABOUT THE SERIOUS INVENTORY  
ISSUES WE  
ARE FACING GOING INTO THE NY SHOW?

REGARDS  
SAMMY

--

Internal Virus Database is out-of-date.

Checked by AVG Anti-Virus.

Version: 7.0.344 / Virus Database: 267.12.0/134 - Release Date: 14/10/2005

16/03/2006

P0035

**EXHIBIT 6**

>>>>>>F.Y.I. YOU'R PENDING ORDERS ARE FOR JUST A LITTLE OVER 500 FRAMES.  
>>>>>>  
>>>>>>2. I WILL ALSO NEED A LIST OF YOUR FIRST PRIORITIES - IN ACCORDANCE  
>>>>>>TO THE QUANTITY OF FRAMES YOU ARE PAYING FOR.  
>>>>>>  
>>>>>>THANK YOU,  
>>>>>>EHUD  
>>>>>>  
>>>>>>  
>>>>>>----- Original Message ----- From: "sammy thomas"  
>>>>>><greeneyes\_76@hotmail.com>  
>>>>>>To: <ehud@op-art.co.il>  
>>>>>>Sent: Thursday, June 15, 2006 9:12 PM  
>>>>>>Subject: Re: WHEN ARE YOU GETTING FRAMES?  
>>>>>>  
>>>>>>  
>>>>>>>30 DAYS DELIVERY SOUNDS VERY PROMISING!  
>>>>>>>  
>>>>>>>WE ARE RUNNING OUT OF MANY STYLES IN CERTAIN COLORS VERY FAST.  
>>>>>>>PLEASE!  
>>>>>>>THE SOONER YOU CAN SUPPLY US WITH FRAMES THE BETTER.  
>>>>>>>  
>>>>>>>MERYL AND I WILL BE AWAY VISITING MY PARENTS IN EUROPE BETWEEN JULY  
>>>>>>>15 AND AUGUST 2ND.  
>>>>>>>WE HOPE TO BE ABLE TO DO ALL THE RECEIVING OF THE FRAMES AND  
>>>>>>>SHIPPING BACK ORDERS ETC... AND ALSO DO SELLING OF FRAMES AS MUCH AS  
>>>>>>>WE CAN, BEFORE WE GO. FROM THE MODELS WE WILL RECEIVE THAT WE DID  
>>>>>>>NOT HAVE IN STOCK FOR A VERY LONG TIME..  
>>>>>>>  
>>>>>>>  
>>>>>>>  
>>>>>>>SAM  
>>>>>>>  
>>>>>>>  
>>>>>>>From: "ehud" <ehud@op-art.co.il>  
>>>>>>>To: "sammy thomas" <greeneyes\_76@hotmail.com>  
>>>>>>>Subject: Re: WHEN ARE YOU GETTING FRAMES?  
>>>>>>>Date: Thu, 15 Jun 2006 21:58:19 +0200  
>>>>>>>MIME-Version: 1.0  
>>>>>>>Received: from nitzan.inter.net.il ([192.114.186.20]) by  
>>>>>>>bay0-mc2-f16.bay0.hotmail.com with Microsoft  
>>>>>>>SMTPSVC(6.0.3790.2444); Thu, 15 Jun 2006 11:54:53 -0700  
>>>>>>>Received: from art (IGLD-80-230-212-67.inter.net.il  
>>>>>>>[80.230.212.67]) by nitzan.inter.net.il (MOS 3.7.3-GA) with ESMTP id  
>>>>>>>DSR18533 (AUTH kelimyaf@zahav.net.il); Thu, 15 Jun 2006 21:54:49  
>>>>>>>+0300 (IDT)  
>>>>>>>X-Message-Info: LsUYwwfHfHN(3660MmjhEvYg2f34OAemlKtU9j2Z7TuGo=  
>>>>>>>References: <BAY102-F494A67094195DB016BDF9E0820@phx\_gbl>  
>>>>>>>X-MSMail-Priority: Normal  
>>>>>>>X-Mailer: Microsoft Outlook Express 6.00.2900.2869  
>>>>>>>X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2900.2869  
>>>>>>>Return-Path: ehud@op-art.co.il  
>>>>>>>X-OriginalArrivalTime: 15 Jun 2006 18:54:53.0993 (UTC)  
>>>>>>>FILETIME=[3040C190:01C690AD]  
>>>>>>>  
>>>>>>>END OF JUNE.  
>>>>>>>MANY OF THEM ARE AFTER COATING. BUT THERE IS A LOT  
>>>>>>>OF WORK MAKING THE 25 OR SO PRINTING BLOCKS  
>>>>>>>FOR EACH MODEL. AND THE DEMO LENS HAVE NOT ARRIVED YET....  
>>>>>>>THESE DELAYS ARE EXPECTED ONLY AT THIS BEGINERS STAGE OF THE  
>>>>>>>COATING PROCESS.  
>>>>>>>LATER ON MY TARGET IS TO REDUCE YOUR ORDERS DELIVERY TIME TO  
>>>>>>>APPROX' 30 DAYS.  
>>>>>>>  
>>>>>>>EHUD  
>>>>>>>----- Original Message ----- From: "sammy thomas"

25/09/2006

P0036

**EXHIBIT 7**

**Shira Rosenfeld**

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**From:** avri@brintech [avri@brintechinc.com]  
**Sent:** Sunday, February 17, 2008 12:58 PM  
**To:** Shira Rosenfeld  
**Subject:** Fw: Re: Vision Expo EAST 2008  
**Attachments:** Re: Vision Expo EAST 2008

----- Original Message -----

**From:** Neff, Diane (RX)  
**To:** avri@brintechinc.com  
**Sent:** Monday, October 15, 2007 2:20 PM  
**Subject:** FW: Re: Vision Expo EAST 2008

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**From:** sammy toma [mailto:sammy\_toma@yahoo.com]  
**Sent:** Monday, October 15, 2007 1:19 PM  
**To:** Neff, Diane (RX)  
**Subject:** Fwd: Re: Vision Expo EAST 2008

HI DIANE !

I WON THE INJUNCTION AGAINST RONIT FURST.

I NEED TO SIGN A CONTRACT FOR NEXT VISION EXPO AT THE SAME SPOT I WAS LAST WEEK.  
EMAIL ME A COPY OF A CONTRACT PLEASE

REGARDING VISION EXPO EAST COMING UP:

ALREADY FILLED AN APPLICATION THE FIRST YEAR I DID VISIONEXPO IN 05  
I HAVE DONE MORE THAN A DOZEN SHOWS WITH REED SO FAR SINCE 2004  
I NEED TO KNOW IF I AM IN THE GALERIA FOR VISIONEXPOEAST?  
I WILL NOT PARTICIPATE IN VISIONEXPOEAST ON THE MAIN FLOOR.  
IT IS A WAIST OF TIME.  
UNLESS I WILL BE RIGH NEXT TO SAFILO OR LUXOTICA ON THE MAIN ISLE.  
PLEASE DO NOT ASK ME TO FILL UP ANOTHER APPLICATION FOR THE GALERIA.  
I HAVE APPLIED AND FILLED IT UP YEARS AGO.  
I WILL BE EMAILING YOU WEEKLY FOR AN UPDATE ON THE SPACE IN THE GALERIA SINCE I  
NEED TO BE THERE FOR NEXT SHOW.

I NEED AN ANSWER IF I AM GOING TO BE IN THE GALERIA IN NY OR RIGHT BELOW IT.  
I CANNOT WAIT TILL THE LAST MINUTE TO GET AN ANSWER !

REGARDS

SAM

---

Yahoo! oneSearch: Finally, mobile search that gives answers, not web links.

P0037

2/17/2008